

REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

The Applicants would like to thank the Examiner for the courtesy extended during the interview of August 10, 2004. At the interview, the undersigned discussed with the Examiner the prior art, including the Gruenke reference and the differences that distinguish the present invention over the prior art.

In the Office Action of May 3, 2004, the Examiner has indicated that claims 31-34 and 39 are allowed and that claims 5 (dependent on claim 1) and 16-19 (dependent on claims 14 and 15) contain allowable subject matter. Therefore, the Applicant hereby submits new claim 40 with the limitations of claims 1 and 5 and new claim 41 with the limitations of claims 14, 15 and 16. It is respectfully submitted that these latter claims are allowable as well.

Original independent claims 1, 6, 14, 26 and new 42 describe an apparatus or method in which a respiratory parameter is sensed and adjusted based on its short term and long term average value so that it falls within the dynamic range of a display. These limitations are similar to the limitations of original allowed claims 5 and 7 and, accordingly, these claims should be allowed as well.

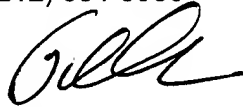
Finally, in new claims 43 and 44 a respiratory apparatus is defined with a display having a display range, an air blower operating in accordance with a control signal and a control unit generating the control signal and a separate display signal indicative of the patient's respiration and being restricted to the display range. In the prior art references cited by the examiner, some form of processing is performed on the control signal but none of the references disclose a control unit that generates a separate display signal as claimed here. It is respectfully submitted that these claims are patentably distinguishable over the prior art and should be allowed as well.

It is respectfully submitted that the subject application is in condition for allowance. Early and favorable allowance is therefore requested.

Although no fees are required, the Commissioner is authorized to use Deposit Account No. 07-1730 if necessary for any expenses that may be required. A duplicate is enclosed for that purpose.

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.
Attorneys for Applicant(s)
270 Madison Avenue, 8th Floor
New York, NY 10016-0601
(212) 684-3900

A handwritten signature in black ink, appearing to read 'Tiberiu Weisz', is written over the printed name.

Tiberiu Weisz
Reg. No. 29,876

Date: November 12, 2004